

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HARRY J. BOLL and GREGORY G. BOLL

Appeal No. 2000-2053
Application No. 08/764,353

ON BRIEF

Before KRASS, LALL, and GROSS, Administrative Patent Judges.
LALL, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-4, and 17, all the pending claims in the application.

According to Appellants (brief at pages 1 and 2), the disclosed invention pertains to a probe card for high speed testing. This testing involves the testing of integrated circuits (IC's), also called chips or wafers. If the testing shows that the design or the process employed to manufacture the

chip is faulty then the design or manufacturing process can be altered to produce the desired results.

The following claim further illustrates the invention.

1. An electronic probe apparatus for testing an electronic circuit comprising an array of probe wires having tip ends adapted to contact said electronic circuit, said probe wires extend outward from said tip ends and extend into an epoxy material and are held in place therein, said epoxy material has an electrically insulating surface and has electronic components mounted on said insulating surface, connections are being made between said components and said probe wires by electrically conducting lines formed on said insulating surface of said epoxy material, said connections are being made between said conducting lines and said probe wires between said tip ends and said epoxy material.

The Examiner relies on the following reference:

Cherry ¹	4,780,670	Oct. 25, 1988
---------------------	-----------	---------------

Claims 1-4 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cherry.

Rather than repeat the arguments of Appellants and the Examiner, we make reference to the brief (paper no. 25, labeled as the supplemental appeal brief, which is the same brief as paper no. 21 labeled as the appeal brief except for formalities) and the answer (paper no. 22) for the respective details thereof.

¹ U.S. Patent to D'Souza (5,323,107) which was used in the final rejection is apparently withdrawn from rejection in the Examiner's answer, see answer at page 3.

OPINION

We have considered the rejections advanced by the Examiner and the supporting arguments. We have, likewise, reviewed the Appellants' arguments set forth in the brief.

We reverse.

We consider independent claim 17 which is similar to, but slightly broader than the independent claim 1. In response to the Examiner's rejection of claim 17 (answer at pages 3 and 4), Appellants argue (brief at page 7) that:

The examiner has taken the position that the total of the circuit board 50 and the probe card 72 mounted thereon is to be taken as a large probe card. A fair reading of the specification of Cherry will prove that this is not true. The examiner...finds [in Cherry] electronic elements mounted on the probe card while in fact they are mounted on the circuit board 50 not probe ring 72 (probe card).

The Examiner responds (answer at page 4) that "[a]pplicants' definition of 'a probe card' is different from one of ordinary [skill] in the art. ... The combinations of the printed circuit board (50), the probe wires (54) and conductive lines or traces on the printed circuit are truly a probe card."

We direct our attention to the interpretation of the claim because "[t]he name of the game is the claim." In re Hiniker Co., 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998).

Appeal No. 2000-2053
Application No. 08/764,353

Claims will be given their broadest reasonable interpretation consistent with the specification, and limitations appearing in the specification are not to be read into the claims. In re Etter, 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir. 1985).

In the instant case, looking at Figures 1 and 2 of Cherry, we find that the probe wires 74 are "held in place" in epoxy ring 72 which corresponds to probe wires 31 "held in place" in epoxy 13 having insulating surface 13a in Figures 4 and 5 of the Appellants' disclosure. Therefore, even though an artisan might look at element 50b and element 72 in Figure 1 of Cherry as an epoxy material recited in the claim, the artisan must conclude from the recitation "probe wires...held in place therein" in claim 17 that the epoxy material defined by element 72 in Cherry corresponds to there cited epoxy material in claim 17. Keeping this in mind, we also find that Cherry does not meet the recited limitation, "additional connections are being made between said conducting lines and said probe wires between said tip ends and said epoxy material" (claim 17). Consequently, we find that Cherry does not meet the limitations of claim 17. Since claim 1 and its dependent claims 2-4 contain further limitations than claim 17, we also do not sustain the rejection of these claims over Cherry.

Appeal No. 2000-2053
Application No. 08/764,353

The decision of the Examiner under 35 U.S.C. § 103 is
reversed.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
PARSHOTAM S. LALL)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

PSL/jrg

Appeal No. 2000-2053
Application No. 08/764,353

WERNER H. SCHROEDER
PO BOX 10958
NAPLES, FL 34101